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SIPDIS

SENSITIVE BUT UNCLASSIFIED

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STATE FOR NEA/ELA, NEA/PPD, IIP/GNEA

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SUBJECT: Jordanian Media Accused of Publication Offenses

REF: a. AMMAN 4158

b. AMMAN 1410

SENSITIVE BUT UNCLASSIFIED - NOT FOR INTERNET DISTRIBUTION.

11. (U) Summary: Two newspaper editors accused of publication offenses were recently questioned by Jordanian prosecutors. If indicted, they would be the first such cases since the amendment of the main press law passed by parliament in the spring which eliminated some categories of forbidden subjects. The GoJ says it is enforcing the law in the run-up to parliamentary elections next month, while media observers express concern that anti-government journalists are being targeted. End summary.

12. (U) The GOJ censor, officially known as the Press and Publications Department, filed civil and criminal complaints early this month with the state's prosecutor-general against the editors of two weekly newspapers, Al-Majd and As-Sabeel. According to news reports, the complaints allege that the editors published content harmful to state interests. On October 4, the two editors appeared before the prosecutor for questioning. To date, no indictments have been issued, though the investigation remains ongoing.

#### THE ACCUSED

13. (U) Al-Majd is an independent, weekly newspaper that adopts an Arab nationalist slant strongly critical of U.S. policy. In 2006, Al-Majd published an article about arms smuggling to Hamas which resulted in the newspaper's temporary suspension and the detention of chief editor Fahed Rimawi by security services. In mid-September this year, Al-Majd published a critical article under the headline "Let the Cardboard Governments Go." Rimawi told As-Sabeel newspaper October 9 that the article advocated "changing the pattern of government formation" in order to make future governments more representative of Jordan's "political spectrum." According to the censor's complaint, the article "overstepp[ed] legal and professional bounds" resulting in harm to "homeland, state, and national constants."

14. (U) As-Sabeel is an independent, weekly newspaper aligned with the Islamic Action Front (IAF), the political arm of Jordan's Muslim Brotherhood. A legal entity, the IAF is the largest opposition bloc in the parliament. Islamist candidates are contesting seats in parliamentary elections scheduled in late November. On October 1, As-Sabeel published a poem written by Ayman Atoum, the son of former Islamist member of parliament Ali Atoum, who was the victim of a physical assault this summer by unknown individuals. The younger Atoum said his poem was a response to his father's victimization. Under the headline "O Purest of Peoples" (a play on a traditional honorific bestowed on the Prophet Mohammad), the poem expressed "the Arab citizen's concerns and the status quo of freedoms in the Arab world," said Atoum. The censor's complaint says it "clearly harms the homeland and national interests."

THE RAP

15. (SBU) The Press and Publications Department confirmed to IO that the prosecutor-general is considering indictments under the penal code - historically the primary basis for prosecution of publication offenses - and the press and publications law. Director of the Press and Publications Department Hussein Bani Hani identified to IO the specific provisions under consideration, the most serious of which is lese-majeste("insulting the monarch"), a lesser form of treason. Other possible provisions include incitement of sectarian prejudice and defamation of the government. The crimes of lese-majeste and incitement are the jurisdiction of the State Security Court, which hears all matters relating to national security.

16. (SBU) The indictments would be the first such cases this year, and the first since the passage of an amended press law which reduced the categories of publication offenses (ref B). Bani Hani emphasized to IO that the timing of the complaints, six weeks before parliamentary elections, was coincidental. He also described the legal impact as "procedural" in the view of the Press and Publications Department. Bani Hani's description was echoed in the mild reaction of the head of the Jordan Press Association, the government-sanctioned journalist union: Tareq Momani told Al-Ghad newspaper October 5 that he considered the cases "ethical violations," and declined to criticize the Press and Publication Department's actions.

#### THE CRITICS

17. (SBU) Other media observers are expressing concern in public and private that the government and its six media regulatory agencies are flexing their muscles in order to intimidate journalists opposed to the government. Attorney Mohammad Quteishat, the head of the Legal Assistance Unit at the Center for Defending Freedom of

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Journalists (CDFJ), told IO that the total number of complaints filed by the Press and Publications censor against journalists over the past year equals the total number filed over the three preceding years put together. Quteishat also observed that the allegations over the past year are comparatively more serious in nature, and so carry heavier penalties and longer jail terms. Moreover, defendants from weekly periodicals are particularly susceptible to financial loss and bankruptcy as a result of lengthy pre-trial and trial proceedings, notwithstanding the relatively greater burdens of proof on the prosecutor. Given these circumstances, Quteishat believes that the government is making a show of force, targeting independent and weekly periodicals which eschew a pro-government bias.

18. (U) Quteishat's concerns have been articulated in the press. Al-Hadath newspaper, an independent Arabic weekly aligned with the CDFJ, published an article October 8 by veteran journalist Bassam Badareen, in which he wrote, "[G]overnment sources last week stated clearly that they can 'discipline' reporters in many ways.... Subsequently, the Press and Publications Department started to move, after a long period of dormancy. What happened was clear: an unblemished return to the fashion of filing lawsuits in the government's name against journalists, referring a number of newspapers to court, expanding inspections of legal files, filing a lawsuit against a veteran reporter like Fahed Al-Rimawi for an article criticizing the government, the likes of which he had published numerous times in the past." Mainstream broadsheets have also criticized the complaint against Al-Majd, including a column published October 6 in the independent, opposition Arabic daily Al-Arab Al-Yawm, under the headline "Freedom of the Press: Worrisome Indicators from the Government," and another published October 20 in the same daily titled "Press Freedoms Are Backtracking - The Ills of the Half-Democracy."

19. (SBU) Comment: Jordan's leadership has reiterated its blue-sky commitment to unrestricted press freedoms three times in the last three weeks. Meanwhile, the exercise of media expression remains subject to ground-level trial and error as stakeholders strive for a durable balance between rights and responsibilities under Jordanian law. End comment.

